UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

In Re: PHARMACEUTICAL))
INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)) MDL No. 1456
) Master File No. 01-CV-12257-PBS
THIS DOCUMENT RELATES TO: (All Actions)) Judge Patti B. Saris) _)

DECLARATION OF LYNDON TRETTER

I, LYNDON TRETTER, declare as follows:

- 1. I am a Member of Hogan & Hartson and represent defendants Bristol-Myers Squibb Company ("BMS"), Oncology Therapeutics Network Corp. ("OTN") and Apothecon, Inc. in this litigation.
- 2. In April 2005 I attended the deposition of OTN employee Marsha Peterson, which was held at the offices of Hagens Berman in Seattle.
- 3. Plaintiffs' counsel taking that deposition was Sean Matt of Hagens Berman. Mr. Matt was assisted at the deposition by one Mark E. Duxbury. Mr. Duxbury handed me a business card at the deposition identifying him as a "Senior Pharmaceutical Investigator/Consultant".
- 4. I understand that Mr. Duxbury has attended at least one other deposition of a defendant in this case (that of BMS employee Douglas Soule) where he was similarly assisting plaintiffs' counsel and where his attendance was noted on the record.

I declare under penalty of perjury that the foregoing is true and correct.

Lyndon M. Tretter

Executed on this 30th day of August 2005